

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

3. FRANCISCO MONTERO,

Defendants.

NO. CR23-171-RSM

**PROTECTIVE ORDER – MONTERO
ONLY**

[PROPOSED]

THIS MATTER comes before the Court on the agreed motion of the government and defendant Francisco Montero (Montero) for a protective order governing discovery as to Montero only.

As set forth in the motion, Montero is currently detained in the King County Jail pending trial in the King County Superior Court. Given the nature of those charges, it is unlikely that Montero will appear and be arraigned in this matter for quite some time. While Montero has no right as such to discovery until he is arraigned in this matter, the government is prepared to provide some discovery to counsel for Montero on the following conditions, to which Montero, through counsel, agrees.

1 Now, therefore, it is hereby ORDERED:

2
3 1. This Protective Order governs all discovery material in any format (written
4 or electronic) that is produced by the government in discovery to counsel for defendant
5 Francisco Montero in the above-captioned matter until otherwise ordered by the Court.

6 2. **Protected Material.** All discovery produced by the government, of any
7 type, are designated as “Protected Material.”

8 3. **Defense Team.** For the purposes of this order, “Defense Team” shall be
9 limited to attorneys of record for the defendants and any of the following people working
10 on this matter under the supervision of the attorneys of record: attorneys, investigators,
11 paralegals, law clerks, testifying and consulting experts, and legal assistants. “Defense
12 Team” does not include Montero.

13 4. Defense counsel is required to provide a copy of this Protective Order to
14 members of the Defense Team and obtain written consent from members of the Defense
15 Team of their acknowledgment to be bound by the terms and conditions of this Protective
16 Order, prior to providing any Protected or Sensitive Material to the members of the
17 defense team. The written consent need not be disclosed or produced to the United States
18 unless reasonably requested by the Assistant United States Attorney and ordered by the
19 Court.

20 5. **Restricted Access.** Access to Protected Material and Sensitive Material
21 will be restricted to the Defense Team. Members of the Defense Team shall not provide
22 copies of any Protected Material or Sensitive Material to persons outside of the Defense
23 Team, including but limited to Montero himself, except as specifically set forth below.

24 6. Members of the Defense Team shall retain custody of all copies of the
25 Protected Material. Members of the Defense Team shall use Protected Material only for
26 the purpose of preparing a defense to the charges in this action.
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1 7. **Review of Discovery Materials with Defendant:** Members of the
 2 Defense Team may review the Protected Material with Montero for purposes of trial
 3 preparation, provided, however, that Montero may review the Protected Material only in
 4 the presence a member of the Defense Team and may not take notes regarding the
 5 content of the Protected Material or Sensitive Material. At no time shall Montero be
 6 provided with copies of any type, in whole or in part, of any discovery materials while
 7 this order is in effect.

8 8. **Non-Waiver.** Nothing in this order shall prevent any party from seeking
 9 modification of this Protective Order or from objecting to discovery that it believes to be
 10 otherwise improper. Per the local rules, if the parties have a dispute about the
 11 implementation of this Protective Order, they should first meet and confer to attempt to
 12 resolve that dispute. If the parties are unable to resolve the dispute, counsel is free to
 13 raise the issue with the Court by way of a motion.

14 9. Nothing in this order shall be deemed to require the government to provide
 15 particular discovery at a time or in a fashion inconsistent with applicable law. The failure
 16 to designate any materials as Protected Material shall not constitute a waiver of a party's
 17 assertion that the materials are covered by this Protective Order.

18 10. At such time that Montero comes into federal custody and is arraigned in
 19 this matter, this Protective Order shall be dissolved. Discovery at that time will instead
 20 be governed by the existing general protective order applying to the other defendants in
 21 this matter, filed at Docket 73.

22
 23 DATED this 8 day of March, 2024.

24
 25 
 26 RICARDO S. MARTINEZ
 27 United States District Court Judge

1 Presented by:

2
3 /s/ Cindy Chang

4 CINDY CHANG

5 VINCENT T. LOMBARDI

6 Assistant United States Attorneys
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